

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

ALBERT UPSHUR

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Criminal No. 18-124

MOTION OF DEFENSE COUNSEL TO WITHDRAW

Mark Wilson, Assistant Federal Defender, attorney for Albert Upshur moves to withdraw as appointed counsel for Mr. Upshur. In support of this Motion it is averred that:

1. The Indictment in this matter was filed on March 29, 2018. Mr. Upshur made his initial appearance on April 11, 2018. At that time the Federal Community Defender for the Eastern District of Pennsylvania was appointed to represent Mr. Upshur. The undersigned attorney was assigned to Mr. Upshur's case.
2. On June 22, 2012, Mr. Upshur filed a civil action against several parties including "Attorney K. Reifsnyder." *See* Civil Case No. 2:12-cv-03579, United States District Court for the Eastern District of Pennsylvania. At that Katherine Reifsnyder was employed as an attorney by the Defender Association of Philadelphia. The Federal Community Defender for the Eastern District of Pennsylvania is an entity of the Defender Association of Philadelphia.
3. Mr. Upshur's civil action against a then-colleague of his currently appointed counsel lends at least the appearance of a conflict for counsel in this matter. It is respectfully suggested that it would prudent for the Court to appoint substitute counsel who is not affiliated with the Defender Association of Philadelphia.
4. Mr. Upshur has declined to meet with the undersigned attorney, when he went to

visit with Mr. Upshur at the Federal Detention Center.

WHEREFORE Mark Wilson, Assistant Federal Defender, respectfully requests that he and the Federal Community Defender for the Eastern District of Pennsylvania be permitted to withdraw as counsel for Mr. Upshur and that substitute counsel be appointed.

Respectfully submitted,

Mark Wilson
Assistant Federal Defender

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ORDER

AND NOW this day of , 2018, upon the consideration of the Motion of Defense Counsel to Withdraw, it is hereby **ORDERED** that the Motion is **GRANTED**. Mark Wilson, Assistant Federal Defender, and the Federal Community Defender for the Eastern District of Pennsylvania shall be permitted to withdraw as counsel for the Defendant, Albert Upshur. Substitute counsel shall be appointed.

SO ORDERED:

WENDY BEETLESTONE, J.
United States District Court